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SY 9492

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tai-Shun Lin and William H. Prusoff
Serial No. : 06/942,666
Filed : December 17, 1986
For : USE OF 3'-DEOXYTHYMIDIN-2'-ENE (3'-DEOXY-2',3'-DIDEHYDROTHYMIDINE) IN TREATING PATIENTS INFECTED WITH RETROVIRUSES
Art Unit : 183
Examiner : Dr. John W. Rollins

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JUN 4 1990
May 29, 1990

Hon. Commissioner of Patents
& Trademarks
Washington, D.C. 20231

Sir:

REQUEST FOR REMAND BY THE BOARD

Pursuant to MPEP 1211, the Board is hereby respectfully requested to remand this case to the Examiner to consider the Declaration of Lisa M. Dunkle submitted herewith. Such declaration presents further in vivo data which has just been generated. It is believed that such in vivo data is further convincing evidence bearing on the 35 U.S.C. 112 rejection presently in this application.

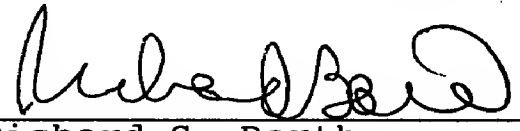
The declaration shows significant increases in CD4 counts (CD4 counts have been demonstrated to be a sensitive indicator of the degree of immunosuppression due to HIV) significant reductions in the amount of p24 antigen and, significant weight gains in patients, all markers of potential amelioration of HIV infection in patients treated

according to the invention. Upon review of said Dunkle Declaration, the Examiner may allow the application, thereby saving the Board's time in reviewing the file, presiding over an oral hearing and rendering a written decision.

Appellants also request a response to their Reply to Communication and Conditional Request for Remand by the Board, dated January 4, 1990.

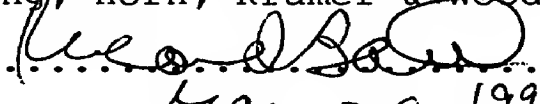
Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By 
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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, D.C.
20231 on.....*May 29, 1990*
Sprung, Horn, Kramer & Woods
By..........
Date.....*May 29, 1990*.....

2. She is the Director of Anti-Viral Clinical Research of Infectious Diseases in the Pharmaceutical Research and Development Division of the Bristol-Myers Squibb Company located at Wallingford, CT. One of her responsibilities is to design and supervise the implementation of the clinical evaluation of antiviral drugs on behalf of the Bristol-Myers Squibb Company by competent medical doctors at various medical research centers throughout the United States and the world.

She holds a M.D. degree awarded by the Johns Hopkins University, Baltimore, MD., and has practiced medicine in the field of infectious diseases on the faculties of the Washington University and St. Louis University Schools of Medicine, where her special area of expertise was clinical research in the area of antiviral chemotherapeutic agents. She was elected a Fellow in the Infectious Diseases Society of America in 1986. She has worked in this field for 16 years and is author or co-author on over 40 publications.

3. In her capacity as aforesaid Director of Anti-Viral Clinical Research of Infectious Diseases, she has been actively involved with the clinical evaluation of the putative anti-AIDS compound "d4T", 3'-deoxythymidine-2'-ene (3'-deoxy-2'3'-didehydrothymidine), which is the subject of the above-identified patent application.